

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TRAVIS THORNTON,

Plaintiff,

v.

JEFFERY DENNISON, and DR. DAVID,

Defendants.

No. 17-cv-415-DRH-SCW

MEMORANDUM and ORDER

HERNDON, District Judge:

Plaintiff Travis Thornton brought this *pro se* action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983. The complaint alleges a delay in treatment of plaintiff's infected toenail. On June 20, 2017, the Court conducted its preliminary review of the complaint pursuant to 28 U.S.C. § 1915A, and the matter was referred to Magistrate Judge Stephen C. Williams (Doc. 5). Plaintiff was permitted to proceed on his deliberate indifference claims against Dr. David and Warden of Shawnee Correctional Center, Jeffrey Dennison.

Currently pending before the Court is plaintiff's oral motion to dismiss (Doc. 47), which he raised at a June 1, 2018 Status Conference before Judge Williams after a discussion surrounding a possible continuance until August. Plaintiff expressed that he is currently in a transition program, and if he were to miss any work for the first 90 days of employment at his current job, he would lose the job. Plaintiff also indicated that as a result of the job, he cannot attend

any hearing until the middle of August. Neither defendant objected to the oral motion to dismiss at the status conference.

Pursuant to 28 U.S.C. § 636(b)(1)(B), Magistrate Williams submitted a Report and Recommendation ("the Report") on June 5, 2018 (Doc. 50). The Report recommends that the Court grant plaintiff's oral motion to dismiss his case without prejudice pursuant to FED.R.CIV.P. 41(a)(2). The Report was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" within 14 days of service of the Report. To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Accordingly, the Court **ADOPTS** the Report (Doc. 50). The Court **GRANTS** plaintiff's oral motion to dismiss (Doc. 47) and **DISMISSES** this case without prejudice. The Clerk is **DIRECTED** to close the file.

IT IS SO ORDERED.

David Herndon



Judge Herndon

2018.06.25

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United States District Judge